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8 **IN THE UNITED STATES DISTRICT COURT**

9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 DANNIE FOUNTAIN, individually and on
behalf of all others similarly situated,

11 Plaintiff,

12 v.

13 YOUMAIL, INC., a Delaware corporation,

14 Defendant.

15 Case No. 3:12-cv-02967-DMS-WVG

16 **PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL
PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE
41(a)(1)(A)(i)**

17 Judge: Hon. Dana M. Sabraw

18 Action Filed: December 13, 2012

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21 PLEASE TAKE NOTICE that Plaintiff Dannie Fountain ("Plaintiff"), pursuant to
Federal Rule of Civil Procedure 41(a)(1)(A)(i), hereby voluntarily dismisses this case in its
entirety, without prejudice as to her individual claims and without prejudice as to the claims of
the putative class members.

22 Federal Rule of Civil Procedure 41(a) provides, in relevant part that: "the plaintiff may
23 dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing
party serves either an answer or a motion for summary judgment...." Fed. R. Civ. P.
24 41(a)(1)(A)(i). Defendant YouMail, Inc. ("Defendant") has neither answered Plaintiff's
Complaint nor filed a motion for summary judgment. Accordingly, this matter may be dismissed
without prejudice, and without an Order of the Court.

Respectfully submitted,

Dated: January 4, 2013

DANNIE FOUNTAIN

By: /s/ Sean P. Reis

One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Sean P. Reis, an attorney, hereby certify that on January 4, 2013, I served the above and foregoing ***Plaintiff's Notice of Voluntary Dismissal Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i)*** by causing true and accurate copies of such paper to be filed with the Court and transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this 4th day of January, 2013.

/s/ Sean P. Reis